



07/29/04

1F12

1615
AA

Application No. (if known): 09/760,307

Attorney Docket No.: 01946/100A483-US8

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EL 996121356 - us in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on July 27, 2004
Date

B.W. Lee

Signature

B.W. Lee

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Information Disclosure Statement (2 pages)

PTO SB/08 (2 pages)

59 Documents

Return Postcard

Check No. 5006 in the Amount of \$180.00



Express Mail Label No.

Dated: _____

Docket No.: 01946/100A483-US8
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sam J. Milstein, et al.

Application No.: 09/760,307

Confirmation No.: 8759

Filed: January 11, 2001

Art Unit: 1615

For: ACTIVE AGENT TRANSPORT SYSTEMS

Examiner: L. S. Channavajjala

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the reference listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed after the first Office Action on the merits, and is accompanied by the fee set forth in 1.17(p).

A full translation or abstract of the non-English language documents are enclosed. Please note that the abstract for FR 4,446 is citation no. 52, "Francia Farmaceutica "γ-(o-Hydroxybenzamido)-Butyric Acid", Chem. Abstracts, vol. 10, 114838e (1969).

A copy of each document on the PTO/SB/08 is attached.

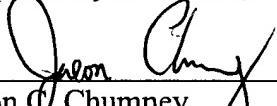
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

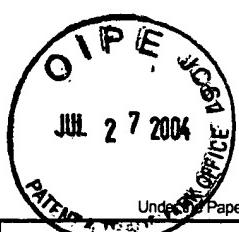
The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: July 16, 2004

Respectfully submitted,

By 
Jason C. Chumney

Registration No.: 54,781
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	2	Attorney Docket Number	01946/100A483-US8
-------	---	----	---	------------------------	-------------------

Complete if Known

Application Number	09/760,307-Conf. #8759
Filing Date	January 11, 2001
First Named Inventor	Sam J. Milstein
Art Unit	1615
Examiner Name	L. S. Channavajjala

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (# known)			
1	US-6,221,367-B1	04-24-2001	Milstein et al.		
2	US-6,242,495-B1	06-05-2001	Leone-Bay, et al.		
3	US-6,245,359-B1	06-12-2001	Milstein, et al.		
4	US-6,313,088-B1	11-06-2001	Leone-Bay et al.		
5	US-6,344,213-B1	02-05-2002	Leone-Bay et al.		
6	US-6,346,242-B1	02-12-2002	Leone-Bay et al.		
7	US-6,348,207-B1	02-19-2002	Milstein et al.		
8	US-6,358,504-B1	03-19-2002	Leone-Bay et al.		
9	US-6,384,278-B1	05-07-2002	Tang, et al.		
10	US-6,391,303-B1	05-21-2002	Haas et al.		
11	US-6,399,798-B1	06-04-2002	Gschneider et al.		
12	US-6,428,780-B1	08-06-2002	Leone-Bay et al.		
13	US-6,440,929-B1	08-27-2002	Milstein et al.		
14	US-6,461,643-B1	10-08-2002	Milstein et al.		
15	US-6,525,020-B1	02-25-2003	Leone-Bay et al.		
16	US-2002-0001591-A1	01-03-2002	Santiago et al.		
17	US-6,610,329-B1	08-26-2003	Santiago et al.		
18	US-6,623,791-B1	09-23-2003	Leone-Bay et al.		
19	US-6,642,411-B1	11-04-2003	Leone-Bay et al.		
20	US-6,646,162-B1	11-11-2003	Tang et al.		
21	US-2002-0120009-A1	08-29-2002	Leone-Bay et al.		
22	US-6,663,887-B1	12-16-2003	Leone-Bay et al.		
23	US-6,693,073-B1	02-17-2004	Milstein et al.		
24	US-6,693,208-B1	02-17-2004	Gschneider et al.		
25	US-6,699,467-B1	03-02-2004	Leone-Bay et al.		
26	US-6,627,228-B1	09-30-2003	Milstein et al.		

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
27	WO-01/32130-A1		05-10-2001	Emisphere Technologies, Inc.		
28	WO-01/32596-A1		05-10-2001	Emisphere Technologies, Inc.		
29	WO-01/44199-A1		06-21-2001	Emisphere Technologies, Inc.		
30	WO-01/51454-A1		07-19-2001	Emisphere Technologies, Inc.		
31	WO-01/70219-A1		09-27-2001	Emisphere Technologies, Inc.		
32	WO-01/92206-A1		12-06-2001	Emisphere Technologies, Inc.		
33	WO-02/069937-A1		09-12-2002	Emisphere Technologies, Inc.		
34	WO-02/070438-A1		09-12-2002	Emisphere Technologies, Inc.		
35	WO-02/100338-A1		12-19-2002	Emisphere Technologies, Inc.		
36	WO-02/19969-A1		03-14-2002	Emisphere Technologies, Inc.		
37	WO-03/026582-A1		04-03-2003	Emisphere Technologies, Inc.		
38	WO-03/045306-A1		06-05-2003	Emisphere Technologies, Inc.		
39	WO-03/057170-A1		07-17-2003	Emisphere Technologies, Inc.		
40	WO-03/057650-A1		07-17-2003	Emisphere Technologies, Inc.		
41	EP-0 576 941-A1		01-05-1994	Nisshin Flour Milling Co., Ltd.		
42	FR-4446-A1		09-26-1966	Francia Farmaceutica, S.r.l.		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

The PTO did not receive the following listed items(s) Page 2 of 2 is missing